

MINUTES OF MEETING  
SOUTHEAST CASS WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
NOVEMBER 12, 2010

The Southeast Cass Water Resource District met on November 12, 2010, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Thomas L. Fischer, Chairman; Mark Thelen, Manager; Mark Brodshaug, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Kimberly Bomstad, Accounting Tech/Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Lee Beauvais and Chad Engels, Engineers for the Board; Ken Pawluk, Cass County Commissioner; Keith Berndt, Cass County Engineer; Jacob Gust, Sheyenne-Maple Flood Control District #1 Superintendent; Craig Hakanson, City of Horace and Richard Lewis, West Fargo resident.

**Minutes**

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve the minutes of the October 22 and 29, 2010, meetings. Upon roll call vote, the motion carried unanimously.

**Approval of agenda order**

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve the order of the agenda, as amended. Upon roll call vote, the motion carried unanimously.

**McLeod Drain in Ransom County**

Ken Pawluk met with the Board to discuss the McLeod Drain project in Ransom County. Chad Engels discussed the matter with Jim Lyons, Ransom County Water Resource District Chairman. Mr. Lyons said it is a Ransom County Project, not a Water Resource District Project. Mr. Pawluk expressed that they need to be cognizant of the drainage problems downstream. He said they should allow the drainage, but not during a flood. The Board directed Mr. Engels to look into whether there is a permit for the project.

**Use of Cass County sales tax to purchase right-of-way for flood control projects**

Mr. Pawluk discussed the possibility of using Cass County sales tax revenue to purchase right-of-way for flood control projects.

**Schedule meeting on the Sheyenne River Watershed Flood Water Detention Study**

Manager Fischer will contact Darrell Vanyo to schedule a meeting with the Cass County Commission to review the Sheyenne River Watershed Flood Water Detention Study.

Mr. Engels will work with Jacob Gust to schedule a meeting with the Red River Basin Commission.

#### **Sheyenne-Maple Flood Control Projects – right-of-way**

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve the Purchase Agreement with Bruce and Janet Redington for right-of-way in regard to Sheyenne-Maple Flood Control District #1 in the NW 1/4 of Section 2 in Mapleton Township and to authorize the Chairman to sign the same. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve the Borrow Agreement with the City of West Fargo in the NW 1/4 of Section 1 in Mapleton Township regarding Sheyenne-Maple Flood Control District #1 and to authorize the Chairman to sign the same. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve the Quit Claim Deed with the North Dakota Department of Transportation in the NW 1/4 of Section 18 in Stanley Township regarding Sheyenne-Maple Flood Control District #1 and to authorize the Chairman to sign the same. Upon roll call vote, the motion carried unanimously.

#### **Sheyenne-Maple Flood Control District #2 – slide south of 64th Avenue**

Jacob Gust expressed concern about a slide on Sheyenne-Maple Flood Control District #2 south of 64th Avenue. Manager Brodshaug said north of 64th Avenue the profile of the project is different and probably more of a concern. Moore Engineering, Inc. will look into the matter.

#### **Sheyenne River Diversion Channel Improvements – Phase I and Phase II**

As recommended by the Water Resource District Engineer, it was moved by Manager Thelen and seconded by Manager Brodshaug to award the contract for the Sheyenne River Diversion Channel Improvements Phase I and Phase II Projects to the lowest responsible bidder, Tom's Backhoe Service, Inc., in the amount of \$1,023,750 and \$669,250, respectively. Upon roll call vote, the motion carried unanimously. A copy of the bid tabulations is attached to these minutes.

Due to the low bids received, Mr. Engels said the Water Resource District could possibly extend the project. He will contact the State Water Commission to see if they would agree to fund the additional work.

#### **Drain #27 Drainage and Flood Control Improvements**

Lee Beauvais updated the Board on the Drain #27 Drainage and Flood Control Improvements Project. The contractor is hoping to complete the whole project before spring.

### **Drain #53 Drainage and Flood Control Improvements**

Mr. Beauvais updated the Board on the Drain #53 Drainage and Flood Control Improvements Project right-of-way acquisition.

### **St. Benedict Ring Dike**

Sean Fredricks said Roger Haberman is putting together a final cost invoice to submit to the Water Resource District for payment in regard to the St. Benedict Ring Dike.

### **Dike Applications #2262, #2263 and #2264 for the Fargo Park District in the NE 1/4 of Section 35 in Barnes Township along Drains #27 and #53**

The Board directed the Secretary-Treasurer to send a letter to the State Engineer stating the Board has no comment in regard to Dike Applications #2262, #2263 and #2264 for the Fargo Park District in the NE 1/4 of Section 35 in Barnes Township along Drains #27 and #53.

### **Solicitation of views and comments from the State Engineer for Application No. S-1667 to Construct a Project within Islands and Beds of Navigable Streams or Waters of the State of North Dakota**

The Board directed the Secretary-Treasurer to send a letter to the State Engineer for Application No. S-1667 stating the Board has no comment in regard to constructing a project within Islands and Beds of Navigable Streams or Waters of the State of North Dakota.

### **Solicitation of views and comments from the Cass County Engineer regarding improvements to Cass County Highway 16, from Cass County Highway 15 to Cass County Highway 17**

It was moved by Manager Thelen and seconded by Manager Brodshaug to direct the Secretary-Treasurer to send a letter to the Cass County Engineer stating the Board has no objection to the project, provided it does not change the water surface elevation south of Cass County Highway 16. Upon roll call vote, the motion carried unanimously.

### **Application for *Prairie Heights Development First Addition* in the NW 1/4 of Section 29 in Barnes Township**

It was moved by Manager Thelen and seconded by Manager Brodshaug to authorize the Water Resource District Engineer to submit any comments he may have regarding the Application for *Prairie Heights Development First Addition* in the NW 1/4 of Section 29 in Barnes Township to the West Fargo Planning Department. Upon roll call vote, the motion carried unanimously.

### **Bills**

It was moved by Manager Thelen and seconded by Manager Brodshaug to approve payment of Checks #9659 through #9673, with the exception of Check #9666, and the electronic funds transfer, as presented.

Discussion: Manager Thelen questioned the amount charged for mowing and maintaining an area at the south end of Sheyenne-Maple Flood Control District #2. The Board directed the Secretary-Treasurer to compare the cost of mowing other areas on Sheyenne-Maple Flood Control District #2.

Manager Thelen amended his motion to include payment of Check #9666. Manager Brodshaug seconded the motion. Upon roll call vote, the following Managers voted in favor: Fischer, Thelen and Brodshaug. The Chairman declared the motion passed.

**Adjournment**

There being no further business for the Board to consider, it was moved by Manager Thelen, seconded by Manager Brodshaug and unanimously carried to adjourn the meeting.

APPROVED:

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Thomas L. Fischer  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer